

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ELANOR TEDONE,

Plaintiff,

7:07-cv-04111 (KMK) (MDF)

-against-

H.J. HEINZ COMPANY, OWENS-ILLINOIS,
INC. d/b/a OWENS-BROCKWAY GLASS
CONTAINERS and MGM MIRAGE INC.
d/b/a BORGATA HOTEL CASINO SPA,

Defendants.

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**DEFENDANT OWENS-ILLINOIS, INC.'s
EXPERT DISCLOSURE**

(1) The defendant **OWENS-ILLINOIS, INC., d/b/a OWENS-BROCKWAY GLASS CONTAINERS**, by and through its counsel, **GOLDBERG SEGALLA LLP**, and pursuant to Fed.R.Civ.P. 26(a)(2), hereby discloses its intention to call the following individual to present expert testimony at trial:

**WILLIAM M. KILPATRICK
Owens-Brockway Glass Container Inc.
One SeaGate, 25-LDP
Toledo, OH 43666**

(2) Pursuant to Fed.R.Civ.P. 26(a)(2)(b), a copy of a report authored by Mr. Kilpatrick is attached hereto as **Exhibit A**.

(3) Pursuant to Fed.R.Civ.P. 26(a)(2)(b), a copy of Mr. Kilpatrick's Curriculum Vitae is attached hereto as **Exhibit B**.

(4) Pursuant to Fed.R.Civ.P. 26(a)(2)(b), please be advised that Mr. Kilpatrick is an employee of the disclosing defendant herein, and therefore has not been formally retained as an

expert and is not being compensated specifically for providing expert services or opinions in this case.

(5) Pursuant to Fed.R.Civ.P. 26(a)(2)(b), please be advised that Mr. Kilpatrick does not maintain a list of the individual matters in which he has provided expert opinions. Please be further advised that Mr. Kilpatrick has never provided expert testimony at trial. Please be further advised that Mr. Kilpatrick has provided expert testimony by deposition on approximately ten (10) to fifteen (15) occasions.

(6) The disclosing defendant reserves the right to supplement this disclosure at any time, up to and including the time of trial.

Dated: White Plains, New York
May 8th, 2008

GOLDBERG SEGALLA, LLP

By: _____


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Tedone v. H.J. Heinz Company, Et Al.
Case No.: 07 CIV 411
GS FILE No.: 12097.0006

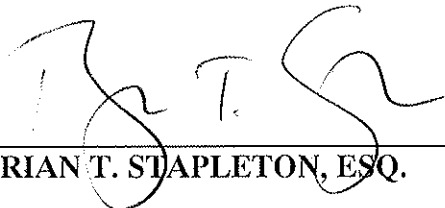
CERTIFICATE OF MAILING

I hereby certify that on May 8th, 2008, a copy of the foregoing Rule 26.1 Disclosure was filed electronically and served by mail upon anyone unable to accept electronic filing. Notice of this filing was will be sent by e-mail to the below parties by operation of the Court's electronic filing system or by mail to the below parties if they are unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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